

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAVIER RAIGOZA,

Plaintiff,

No. CIV S-04-1208 GEB KJM

vs.

ARAMARK CORPORATION, et al.,

Defendants.

ORDER

The discovery cut-off in this action is fast approaching. Now, in a flurry of letter  
briefs,<sup>1</sup> both sides accuse opposing counsel of unprofessional behavior. This entire tempest  
comes about because the parties did not conduct discovery in a timely manner. The court  
declines to order depositions of persons not parties to the action who have not been afforded a  
timely opportunity to be heard on whether their depositions should be compelled. Defendant  
Jacob Vervalin appeared for his deposition and plaintiff's counsel apparently declined to depose  
defendant at that time. The court will thus not compel the deposition of this defendant. With  
respect to duly noticed depositions of defendants Michael Brodeur and Bill Vervalin, the  
depositions shall be completed no later than the cut-off of discovery. The court finds no basis for

<sup>1</sup> In a conference call with counsel on August 18, 2005, the court indicated that if either  
party sought further resolution of the discovery dispute discussed telephonically on that date, that  
party should file a letter brief not exceeding two pages.

1 the contempt order sought by defendants nor for the sanctions sought by either side.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Defendants' motion to compel depositions and for sanctions and contempt is  
4 denied.

5 2. Plaintiff's motion to compel is granted in part. The depositions of defendants  
6 Michael Brodeur and Bill Vervalin shall take place no later than August 26, 2005.

7 3. Plaintiff's motions for sanctions and for protective order are denied.

8 4. Plaintiff's motion to strike is denied without prejudice to its renewal as an in  
9 limine motion at the time of trial.

10 DATED: August 25, 2005.

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13 UNITED STATES MAGISTRATE JUDGE  
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